



AGENDA

TRINITY CITY PLANNING & ZONING BOARD MEETING

January 24, 2006
7:00 pm

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Election of Chair/Vice Chair
 - a. Chairman
 - b. Vice-Chairman
5. Approval of Minutes
 - November 22, 2005 (Regular Meeting)
 - January 5, 2006 (Regular Meeting)
6. Public Comments Section
7. Legislative Changes to Development Ordinances
 - a. Staff Comments
 - b. Public Comments
 - c. Board Comments
8. Comments from the Board
9. Comments from Staff
10. Adjourn



TRINITY CITY PLANNING & ZONING BOARD MEETING

**January 24, 2006
7:00 pm**

The Trinity Planning Board held their January 24, 2006 Regular Planning and Zoning Board Meeting at Trinity City Hall. A quorum was present.

PLANNING BOARD MEMBERS PRESENT: J.R. Ewings, Linda Gant, Vernel Gibson, Buddy Maness, Scott Norman, Robbie Sikes, and Jim Wall.

PLANNING BOARD MEMBERS ABSENT: Melvin Patterson

OTHERS PRESENT: City Manager, Ann Bailie; Planning/Zoning Administrator and Code Enforcement Officer, Adam Stumb; City Clerk/FO Debbie Hinson; and other interested parties.

ITEM 1. Call to Order

Mr. Stumb, Planning Administrator called the January 24, 2006 Meeting to order at 7:00 p.m.

ITEM II. Pledge of Allegiance

Mr. Stumb led the Pledge of Allegiance.

ITEM III. Invocation

Planning Board member Vernel Gibson gave the invocation.

ITEM IV. Election of Chair/Vice Chair

- a. Chairman
- b. Vice-Chairman

Mr. Stumb discussed the changes in the duties of the chairperson as a part of the upcoming statutory changes in the Zoning Ordinance prior to opening the floor to nominations.

As in the past the chairperson will be responsible for presiding over every meeting. The new responsibilities include reviewing the Board recommendations to City Council, making changes and signing off on that recommendation. Part of the statutory changes is that a written recommendation from the Planning and Zoning Board must accompany every zoning change.

The vice-chairperson will be responsible for all the duties of the chairperson in his/her absence.

At this time, Mr. Stumb opened the floor for nominations for Chairman.

Chairman

Nominations for Chair:

Member J.R. Ewings nominated Robbie Sikes for Chairman, seconded by Member Gibson.

With no other nominations member Vernel Gibson made a motion to close the nominations for Chairman, seconded by member Wall and approved unanimously by all Planning members present.

Member Robbie Sikes was elected Chairman by acclamation.

Vice-Chairman

At this time, Chairman Sikes opened the floor for nominations for Vice- Chairman.

Nominations for Vice- Chair:

Member Ewings nominated Member Linda Gant who declined the nomination due to sickness in her family.

At this time Member Ewings nominated Member Buddy Maness for the position of Vice-Chairman, seconded by Member Wall.

With no other nominations Member Vernel Gibson made a motion to close the nominations for Chairman, seconded by Member Ewings and approved unanimously by all Planning members present.

Member Buddy Maness was elected Vice- Chairman by acclamation.

ITEM V. Approval of Minutes (November 22, 2005) Regular Meeting

Chairman Sikes called for any changes or corrections to the November 22, 2005 Minutes.

Planning Member Gibson made a motion to approve the minutes as written, seconded by Planning member Ewings and approved unanimously by all Planning members present.

Approval of Minutes (January 05, 2006) Special Called Meeting

Chairman Sikes called for any changes or corrections to the January 05, 2006 Minutes.

Planning Member Maness made a motion to approve the minutes as written, seconded by Planning member Gantt and approved unanimously by all Planning members present.

ITEM 6. Public Comments Section

NONE

ITEM 7. Legislative Changes to Development Ordinances

A. Staff Comments

Chairman Sikes opened this item and asked that Mr. Stumb brief the Board.

Mr. Stumb discussed prior conversation concerning the changes brought about during last years legislative session when the State House and Senate approved two bills, Senate Bill 518 and Senate Bill 814. These two bills were much needed updates to prior legislation for planning and zoning in North Carolina. Many of these changes are mandatory and have gone into effect January 1, 2006. To be in compliance with the new legislation amendments will need to be made to the Zoning and Subdivision Ordinance to follow these changes.

Mr. Stumb reviewed the changes as shown below by power point.

Legislative Changes in Zoning and Subdivision Ordinance

Zoning Ordinance Changes

Voting Change

- Vacant positions and members who have a conflict of interest are not counted during quasi-judicial decisions (Special Use Permit, Variance)
- A 4/5 voted is required for all quasi-judicial decision other than a Special Use Permit

Trinity Zoning Ordinance affected and changed

Article VIII – Section 8-4

Article XVI – Section 16-3

Conflicts of Interest

- No member of Council or of the Planning and Zoning Board should vote on any rezoning/special use permit, variance if that member has a *“direct, substantial and readily identifiable financial impact.”*

■ *What is a direct, substantial and readily identifiable financial impact?*

Yes

- Member is the property owner
- Member owns or is president of business seeking rezoning
- A close family member is seeking a rezoning – **maybe**

Probably Not

- Member owns stock in Exxon, Exxon is opening store in Trinity

- **For Special Use Permits only** – the Board or Council may vote to remove a member from the hearing

Trinity Zoning Ordinance affected and changed

Article VIII – Section 8-4

Article XVI – Section 16-1

Article XVI – Section 16-2

Prohibiting Use Variance

- A use variance is allowing a use by variance that was not previously allowed in a zoning district.
- This process, which is illegal, would skip the rezoning process.
- This bill clearly makes this process illegal.

Trinity Zoning Ordinance affected and changed

Article VI – Section 16-7

Notice of Public Hearing

- For public hearings, the property involved must be posted.

The City of Trinity is already doing this as defined in the Zoning Ordinance

Article XVII-Section 17-1

Planning Board Review

- All zoning ordinance changes (text and map) must go before the Planning and Zoning Board prior to review by City Council – no change
- In addition the Planning and Zoning Board must submit a written recommendation about each change.

**Trinity Zoning Ordinance affected and changed
Article XVII- Section 17-1**

Council Statement

■ City Council must give a statement justifying the action taken, based on appropriateness and on consistency with the City's comprehensive plan.

■ The City must also justify any small scale rezoning or spot zonings

**Trinity Zoning Ordinance affected and changed
Article XVII- Section 17-1**

Protest Petition

■ A qualifying protest petition requires a three fourths vote (no change)

■ Qualifying Area

☐ 20% of the area being rezoned

☐ **5% of a 100 foot buffer extending along the entire boundary of the area being rezoned**

**Trinity Zoning Ordinance affected and changed
Article XVII- Section 17-2**

Conditional Zoning

■ This change allows local governments to rezone property conditionally and purely legislative

■ No quasi-judicial hearing

What are appropriate conditions?

■ Use

☐ Uses limited to banks and grocery store

☐ All uses are permitted except junk yards

■ Density

☐ No more than 2.5 units per acre (in R-12)

☐ Buildings will be placed according to the submitted site plan

■ Landscaping

☐ The 30ft buffer along the north of the property shall remain

What are inappropriate conditions?

■ Each single family home shall be 3,000sq/ft or more (exclusionary)

■ Each single family home shall be priced at \$200,000 or more (exclusionary and not enforceable)

■ All dumpsters shall be screened by a six foot tall wooded fence (already required by ordinance)

■ A buffer shall be required (vague)

Subdivision Ordinance

Subdivision Exceptions

Division of a tract in single ownership

☐ No greater than 2 acres

☐ Can now divide lot in to three lots

Division of property among heirs

☐ No longer allowed as an exception

Penalties and Violations

■ A City can now deny building permits for illegally subdivided lots

Procedure for Approval of Major Subdivisions

■ Major subdivisions currently go through a three step process

1. **Sketch Plan (Planning and Zoning Board)**
2. **Preliminary Plat (Planning and Zoning Board)**
3. **Final Plat (City Council)**

■ New legislation gives the opportunity to change how subdivisions are approved. Staff approval, Council Approval, Planning and Zoning Board Approval, or a mix of all of the above.

Guarantee of Improvement

■ Before final plat is approved a developer must finish all improvements (roads, utilities), or guarantee the completion of all improvements

■ This change allows options for such guarantee

1. **Cash or certified check**
2. **Performance or surety bond**
3. **Letter of credit**

■ The guarantee is so that the city can finish any incomplete work

After the review Mr. Stumb advised members that staff recommended adoption of all mandatory changes brought about in this legislation. and recommends the use and adoption of Conditional Zoning.

After a brief discussion between Mr. Stumb and members ***Member Ewings made a motion to accept the Mandatory Changes as presented, seconded by Member Gibson and approved unanimously by all members present.***

Conditional Zoning

Manager Bailie and Mr. Stumb discussed the changes for this section. Mr. Stumb advised Manager Bailie these changes were provided to the Planning Board in October. If the board would like to see this information again this item could be moved and discussed again at a later meeting.

There was discussion between members and Mr. Stumb concerning how these changes would be incorporated into the existing Conditional Uses. Mr. Stumb advised members that there would still be Conditional Use and Special Use as we currently have. Conditional Zoning will be the other tool and follow the same process as rezoning. The property owner can add additional conditions for the board to consider. This will help speed up the process and build consensus around a project that may otherwise encounter problems.

Manager Bailie advised members Conditional Zoning would allow the board to add Conditional Uses at the meeting unlike Special Use where you must consider what is presented.

Mr. Stumb advised members that staff recommended the use and adoption of Conditional Zoning.

After a brief discussion, ***Member Gantt made a motion to accept the use and adoption of Conditional Zoning as presented, seconded by Council member Ewings and approved unanimously by all Planning members present.***

Subdivision Approval Process: This legislation also creates options for local governments in the subdivision approval process. Currently all new subdivisions go through a two step process of approval. One is that the preliminary plat is approved by the Planning and Zoning Board. The second is that the final plat is approved by City Council. The new legislation allows approval by a planning and zoning board, city

council, staff, or a separate committee of a mix of planning and zoning board members, staff and other technical staff. There is no right or wrong way to do this process and rarely does one city do the same as another.

After further review the staff would like to change the recommendation previously made to change the preliminary plat approval to a staff level decision and maintain that the final plat be approved by City Council. **Our new recommendation is to leave the Subdivision as is with no changes but to continue to work on the procedure as needed.**

B. Public Comments
NONE

C. Board Comments
NONE

ITEM 8. Comments from the Board

Chairman Sikes called for comments from the Board. Members asked Mr. Stumb to provide the corrected pages that reflected the changes to be placed in their books. Mr. Stumb advised members he would provide the needed pages that reflected all changes after the review and acceptance of the recommended changes by Council at their February meeting.

Chairman Sikes thanked members for their confidence in his election as Chairman for this Board. He advised members that he welcomed their comments on ways that he may improve the efficiency of the meeting.

Member Ewings discussed his 8 year tenure as Chairman and member on this board and offered his assistance to newly elected Chairman Sikes. Manager Bailie thanked member Ewings for his service to the Board.

ITEM 9. Comments from Staff

Chairman Sikes called for comments from the Staff. Mr. Stumb advised members that he would like to get a group picture of the board possibly at the next meeting.

ITEM 10. Adjourn

With no other business to discuss, Chairman Sikes called for a motion to adjourn the January 24, 2006 Regular Scheduled Meeting of the City of Trinity Planning Board.

Motion by Planning member Ewings to adjourn the January 24, 2006 Regular Meeting of the City of Trinity Planning/Zoning Board, seconded by Planning member Norman and approved unanimously by all Planning members present.

These minutes were approved with the following correction requested by Member Gantt. The meeting place be changed from Trinity Memorial United Methodist Church to Trinity City Hall where the meeting took place. This correction has been incorporated into these minutes.

With no other changes, these minutes were approved by the Planning/Zoning Board at their February 28, 2006 Regular Meeting upon motion by Planning/Zoning member Gibson, seconded by Planning/Zoning Member Maness and approved unanimously by all Members present.

Debbie Hinson, City Clerk

Robbie Sikes, Chairman

Date

Date